

REMARKS

Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

In the pending Office Action, the Examiner rejected claims 1 and 3-4, under 35 U.S.C. §102(e), as allegedly being anticipated by Kuroda '011 (U.S. Pat. No. 6,311,011).

By this Amendment, Applicants have amended claims 1 and 3-4 to provide a clearer presentation of the claimed subject matter. No new matter has been added. Accordingly, claims 1 and 3-4 are presented for examination of which claim 1 is the sole independent claim.

Applicants respectfully traverse the rejections, under 35 U.S.C. §102(e), for the following reasons:

I. Prior Art Rejections Under §102(e).

As indicated above, amended claim 1 is directed to a recording apparatus and positively recites, *inter alia*, two recording drives comprising an ***optical disk drive and a hard disk drive***, each of the two recording drives configured to record information containing video data and a judging section configured to ***judge***, upon the determining section determining that the recording-destination drive is being accessed by the second task, ***whether the first and second tasks can be executed by providing simultaneous access to the recording-destination drive for the first and second tasks***. Claim 1 also positively recites an interrupting process section configured to (a) ***interrupt the second task, upon the judging section judging that real-time recording of the first task cannot be executed***, and (b) enable the first task to execute the programmed recording on the recording-destination drive.

These features are amply supported by the embodiments disclosed in the written description. By way of illustration, the written description provides that if the bandwidth used to access a drive is not large enough to accommodate accesses to the drive for both, data transfer or copy ***and*** recording, real-time access to the drive may not be normally executed. Such a case is

likely to occur in a recording apparatus that includes an optical disk drive and a hard disk drive. (See, e.g., Specification: page 2, lines 19-23).

To overcome such issues, the disclosed embodiments provide that when the optical disk drive **35** or hard disk drive **20** is being tasked as a recording-destination drive to execute programmed recording, but the destination drive is being used by another task to transfer or copy recorded data, it is determined whether real-time recording is possible. If not, the transfer or copy task using the designation drive is interrupted to enable the execution of the programmed recording. (See, e.g., Specification: page 9, lines 17-27).

Applicants submit that the Kuroda '011 reference fails to teach or suggest each and every element of claim 1, including the features identified above. In particular, Kuroda '011 merely discloses a first copying process between the temporary storage device **103** into the storage device **105** that is conducted *in parallel* with recording operations and a second copying process that is *not conducted in parallel*. (See, Kuroda '011: col. 6, lines 5-40).

There is nothing in Kuroda '011 that discusses the situation in which programmed recording requiring *real-time access* cannot be normally executed in a recording apparatus that includes an *optical disk drive and a hard disk drive*. As such, Kuroda '011 does not teach or suggest a judging section configured to *judge*, upon the determining section determining that the recording-destination drive is being accessed by the second task, *whether the first and second tasks can be executed by providing simultaneous access to the recording-destination drive for the first and second tasks*, as required by claim 1. Nor is there anything in Kuroda '011 that discloses an interrupting process section configured to (a) *interrupt the second task, upon the judging section judging that real-time recording of the first task cannot be executed*, and (b) enable the first task to execute the programmed recording on the recording-destination drive, as also required by claim 1.

Thus, for at least these reasons, Applicants submit that claim 1 is neither anticipated by nor rendered obvious by Kuroda '011. As such, claim 1 is clearly patentable. Moreover, because claims 3-4 depend from claim 1, claims 3-4 are patentable at least by virtue of dependency as well as for their additional recitations. Accordingly, the reconsideration and immediate

withdrawal of the rejection of claims 1 and 3-4, under 35 U.S.C. §102(e), are respectfully requested.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's Representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the Undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number **03-3975**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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